IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CWP No.10588 of 2005(O&M)

Date of Decision:25.9.2006

Swinder Singh .....Petitioner

Versus

State of Punjab and others .....Respondents

CORAM:- HON'BLE MR.JUSTICE J.S.KHEHAR
HON'BLE MR.JUSTICE S. D. ANAND

Present: Mr.SP Laler, Advocate
for the petitioner.

Mr.BS Chahal, AAG Punjab.

***

J.S.KHEHAR,J.(Oral)

C.M.16122 of 2006

C.M. is allowed, replication is taken on record.

CWP No.10588 of 2005

The petitioner was engaged as a Conductor by the Punjab Roadways, Amritsar-I. During the course of his employment, the bus in which he was discharging his duties was checked on 16.1.1996. The checking staff found that the petitioner had not issued tickets of Rs.108/- to different passengers travelling by that bus. A report was accordingly submitted by the checking staff, on the basis whereof, the petitioner was

issued a charge sheet on 22.7.1996.

During the departmental enquiry being conducted against the petitioner, he admitted the allegations levelled against him, and in fact, filed an affidavit dated 13.8.1996 to the aforesaid effect. Based on the affidavit filed by the petitioner, the enquiring authority submitted a report to the General Manager, Punjab Roadways, Amritsar-I affirming that the charges levelled against the petitioner had been established on the statement made by the petitioner himself.

On receipt of the enquiry report, the Punishing Authority issued a show cause notice to the petitioner on 27.8.1996, proposing the penalty of stoppage of six annual increments with cumulative effect. On the receipt of the reply submitted by the petitioner, the punishing authority by an order dated 9.9.1996, imposed the punishment of stoppage of five annual increments with cumulative effect on the petitioner.

The order dated 9.9.1996 was not impugned by the petitioner. Be that as it may, respondent No.3 – the Divisional Manager, Punjab Roadways, Ferozepur issued a show cause notice to the petitioner on 27.2.1997 (Annexure P7) proposing the enhancement of punishment by informing him that the punishment inflicted upon him, was extremely lenient, in view of the serious allegations levelled against him. The Divisional Manager, Punjab Roadways, Ferozepur through the aforesaid show cause notice dated 27.2.1997 proposed the punishment of termination from service. The petitioner responded to the show cause notice by his reply dated 14.3.1997, whereupon, the Divisional Manager, Punjab Roadways, Ferozepur, terminated the services of the petitioner by an order dated 5.5.1997. The petitioner challenged the order dated 5.5.1997 by filing

an appeal. The Director, State Transport Punjab by an order dated 22.4.2005 rejected the appeal preferred by the petitioner.

The petitioner has approached this Court for assailing the orders dated 5.5.1997 and 22.4.2005.

The first contention of the learned counsel for the petitioner is that the petitioner had acknowledged his guilt and filed an affidavit in token thereof on 13.8.1996, after the punishment of stoppage of five annual increments with cumulative effect was imposed upon him. It is, therefore, the contention of the learned counsel for the petitioner, that the petitioner could not be subjected to a punishment more severer than the punishment proposed to him through the show cause notice dated 27.2.1997. It is not possible to accept the contention of the learned counsel for the petitioner, as the same suffers from a foundational infirmity. It would be pertinent to mention that the show cause notice for imposing the penalty of stoppage of six annual increment with cumulative effect, was issued to the petitioner on 27.8.1996, whereas, the petitioner had admitted his guilt and filed his affidavit well before the aforesaid date on 13.8.1996.

The second contention of the learned counsel for the petitioner is, that it was imperative for the authorities to delineate the reasons for enhancing the punishment imposed upon the petitioner, in view of Rule 21 of the Punjab Civil Services (Punishment and Appeal) Rules, 1970. It is also not possible to accept the aforesaid contention of the learned counsel for the petitioner, as in our view, the petitioner was clearly informed the reasons for the enhancement of the punishment already imposed upon him, through the show cause notice dated 27.2.1997, which clearly indicated, that he had been awarded a lenient punishment despite the serious charges

levelled against him, which he had admitted.

No other contention was advanced by the learned counsel for the petitioner. For the reasons recorded above, we find no merit in the petition. Hence, the same is hereby dismissed.

(J. S. KHEHAR)
JUDGE

(S. D. ANAND)
JUDGE

September 25, 2006
SRM